

CITY OF ANN ARBOR DISPLAY FIREWORKS POLICY

Adopted May 1, 2017 (R- 17-149)

Amended May 15, 2017 (R-17-)

The Michigan Fireworks Safety Act allows the City Council, upon application in writing on forms provided by the State and payment of the fee set by City Council, if any, to grant a permit for the display fireworks, ~~for public or private display~~ and/or articles pyrotechnic within the City subject to the compliance with the provisions of the Act.¹

The Act requires submission with the permit application of proof of financial responsibility by a bond or insurance in an amount, character and form deemed necessary by the City to satisfy damages to property and bodily injury.

DEFINITIONS

Display Fireworks – refers to 1.3G for professional use only. These are large and explosive items typically used for public display and are locally permitted for use by professionals. Display Fireworks are not regulated by the Department of Licensing and Regulatory Affairs (LARA).

Articles Pyrotechnic – refers to 1.4G fireworks for professional use only that is classified as UN0431 or UN0432 hazardous materials (explosives).

PURPOSE

In determining whether to approve the permit, it is the responsibility of the AAFD, as the reviewer, to 1) assess the competency and qualifications of the display fireworks operator and/or pyrotechnic operator ~~articles pyrotechnic and display fireworks operation~~ as required under National Fire Protection Association (NFPA)-1123, Code for Fireworks Display, and 2) the time, place and safety aspects of the display fireworks and/or display of articles pyrotechnic, and 3) any other requirements of this Policy before granting a permit. Permits granted are not transferable. Under the Act, the City is allowed to keep the fee for this type of permit (MCL 28.466(5)).

~~The term “articles pyrotechnic” refers to pyrotechnic devices for profession use. State law regulates these devices. This Policy establishes the minimum standard for professional pyrotechnic displays within the City, including permit fees for such displays.~~

PROCEDURES

All permits issued for the discharge of display fireworks are obtained from the local jurisdiction where the fireworks are being displayed.

¹ Cities may enact ordinance regulation the ignition, discharge, and use of consumer fireworks. Ann Arbor City Code Chapter 115, Section 9:266 regulates consumer fireworks displays.

https://www.municode.com/library/mi/ann_arbor/codes/code_of_ordinances?nodeId=TITIXPORE_CH115WEEX

As described by Michigan Fireworks Safety Act 256 of 2011, as amended, permit applicant shall meet all requirements of the Act and this policy for the discharge of display fireworks and/or articles pyrotechnics. Any person intending to sell, transport, possess, discharge or cause to be discharged fireworks as described by MCLA 750.243a of Michigan PA 328, as amended, must meet all requirements of Michigan PA 328 and this policy. The following is the minimum that a person or corporation must meet prior to the issuance of a permit by the Ann Arbor City Council.

Permit Application Requirements and Fees

- Complete the application for a permit required by the City. Copy of which can be obtained from the City Fire Department website.
 - Submit a scale drawing of the site with the application for the permit, including but not limited to surrounding buildings, the display site as described by NFPA 1123, the spectator viewing area and the parking areas
 - Provide proof of one of the following:
 - Be licensed as a pyrotechnic operator by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives.
 - Show proof that a pyrotechnic operator licensed by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives has been contracted to conduct the fireworks display.
 - Applicants must show proof of training and qualifications as required by the Ann Arbor Fire Marshall, including but not limited to demonstrated knowledge of the recommended safety requirements outlined in NFPA 1123, 1124, and 1126, and applicant's accident history.
 - Provide proof of comprehensive general liability insurance for an amount not less than the following:

Commercial Entity: \$5,000,000 total limit of liability
Individual Applicant: \$2,000,000 total limit of liability

protecting applicant against property and personal injury damages during the fireworks display and naming the City of Ann Arbor, its officials and employees as additional insured parties. A certificate of insurance and evidence of the required endorsement must accompany the application for a permit. The City Attorney Office will review insurance documentation for completeness.

- Pay the permit application fee of \$150.00 established and adopted by the Ann Arbor City Effective 2016, or any permit fee set thereafter by Resolution of Council
- Completed application with all required attachments and permit fee must be submitted to Ann Arbor Fire Department.

Permit Application Review and Site Visit Inspections

- On receipt of a complete application, including all required attachments, the Ann Arbor Fire Marshal or his/her designee will schedule and conduct a site inspection and make recommendations to the Ann Arbor City Council for approval or denial of the permit.
 - There will be a wind stipulation of 15 MPH or less for any fireworks display as a condition of a recommendation of approval by the Fire Marshall

- Based on the site visit, the Fire Marshall may require include other stipulations as a condition of a recommendation of approval for the protection of the public.

Permit Application Approval

All Display Fireworks Permits must be approved by the Ann Arbor City Council.

- Ann Arbor Ann Arbor Fire Marshal will submit a recommendation for approval or denial to City Council for action at their next regular meeting after all documents, fees, and investigations have been completed.
- If approved by Ann Arbor City Council, the Fire Marshal will complete and execute the necessary Display Permit Form.
- If a firework display permit is approved by City Council, the applicant shall notify adjacent residents and/or businesses of the date and time of the event a minimum of fourteen (14) days prior to the event.